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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
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| 08/321,589 | 10/12/94 | BERNA | P |

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| HIGHEST EXAMINER | |
|------------------|--------------|
| ART UNIT | PAPER NUMBER |
| 3206 | 28 |

DATE MAILED:

10/16/95

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

*Supplemental
ADVISORY ACTION*

THE PERIOD FOR RESPONSE:

a) is extended to run _____ or continues to run _____ from the date of the final rejection
b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 9/5/95 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
b. They raise new issues that would require further consideration and/or search. (See Note).
c. They raise the issue of new matter. (See Note).
d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
e. They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

See the attached sheet.

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-14

However:

Applicant's response has overcome the following rejection(s): _____

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

The proposed drawing correction has has not been approved by the examiner.

Other

Art Unit: 3206

Attachment to Advisory Action (paper #28)

It is noted that the amendment to the claims, in addition to the additional figure 9 on sheet 4/4, were submitted on the same date as the substitute specification, but somehow were displaced from same. This advisory action, therefore, is supplemental to the advisory action mailed 10/10/95 as paper #27. Regarding the merits of the amendment to the claims, these amendments present new issues such as the "buffer having under its contact face a so large thickness". This is a new issue with respect to not only 35 U.S.C. §112 but also with respect to 35 U.S.C. §103. Another new issue is that the clamping is without "any risk at all" of damaging the objects. Also, at line 6 of claim 4, changing "having" to read --could have-- is a new issue (see also claims 5 and 6). These are only a few examples of the new issues raised by Applicant's amendment. Regarding the addition of new figure 9, the addition of this figure, while it may not raise the issue of new matter, does raise new issues with respect to 35 U.S.C. §112, and therefore will not be entered.

Any inquiry concerning this communication should be directed to Examiner Tom Hughes at telephone number (703) 308-1806 or Fax (703) 305-3579.

sth
October 4, 1995

Tom Hughes
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